THE CITIZENSHIP (AMENDMENT) BILL, 1986

THE DEPUTY CHAIRMAN: We now Proceed to the Citizenship (Amendment) Bill, 1986. Mr. Chidambaram.

THE MINISTER OF STATE IN THE MINISTRY OF PERSONNEL, PUBLIC GRIEVANCES AND PENSIONS AND MINISTER OF STATE IN THE MINISTRY OF HOME AFFAIRS (SHRI P. CHIDAMBARAM) : Madam Deputy Chairman I beg to move:

"That the Bill further to amend the Citizenship Act, 1955, as passed by the" Lok Sabha, be taken into consideration.'

As the House is aware, our Citizenship law was enacted way back in 1955. Of late, a large number of persons of Indian origin have entered the territory of India from Bangladesh, Shri Lanka and other neighbouring countries, as well as from other African and Asian countries and are residing in India. With a view to making the conditions for the grant of Indian citizenship more stringent, it is proposed to make five amendments to sections 3, 5 and 6 of the Citizenship Act. The proposed amendments to the Act are intended to achieve the following:—

(1) Persons born in India after the amendment will become citizens of India by birth only if at the time of his birth either of his parents is a citizen of India as against the existing provisions of accrual of citizenship of India to every person born irrespective of his parents' citizenship.

(2) There is also a proposal to raise the qualifying period of stay for grant of Indian citizenship from six months to five years in respect of persons of Indian origin. Further, in respect of the provision regarding eligibility of citizenship through marriage it is being extended to persons married to Indian citizens as against only women married to Indian citizens at present. However, the qualifying period of stay for this purpose would be five years against one year at present.

(3) Persons other than citizens of Commonwealth countries will require a minimum qualifying period of 10 years' stay for grant of Indian citizenship under section 6(1) as against five years at present.

(4) The definition of 'Indian origin' is also proposed to be changed in such a way that the person will derive Indian origin if he or she either of his |her parents were born in undivided India as against the present provision of providing not only parents but any of his|her grandparents having been born in India as a sufficient condition to deem him to be of Indian origin.

With these words, I commend the Citizenship (Amendment) Bill, 1986, for the consideration of the House.

The question was proposed.

SHRI K. MOHANAN (Kerala): Madam, I have no choice before me but to oppose this Bill. Though Mr. Chidambaram, the hon. Minister of State for Home Affairs, is very young and energetic in appearance, he is very old and outmoded in his approach in bringing forward such a legislation before this House.

I am really sorry to say this. In appearance, this Bill is very simple one. But this Bill is intended to revive the practice prevailing in this country for the last 10 or 15 years. Madam, it is not clear from the Statement of Objects and Reasons as to what was the provocation for bringing forward such a legislation. There is no mention in the Objects and Reasons as to what was the provocation for bringing forward such a legislation. I am forced to say that this Bill is a negation of human rights and liberties. The statelessness of a human being is something so painful. We know that it is shameful for the entire mankind of this world that lakhs and lakhs of Palestinians are still living without any identity and citizenship. Our Government is supporting the cause of Palestinians because keeping a human being without citizenship is something inhuman and barbarian. That is why, we are supporting the cause of Palestinians. They are still living without an identity and citizenship. At the same time, I am sorry to note that our Government is bringing

[Shri K. Mohanan]

forward such an uncivilised — I am forced to say that — piece of legislation. It is a barbaric piece of legislation. That is why I am opposing this piece of legislation.

Madam, once again I am forced to say that this is another instance of surrender to the chauvanistic and divisive forces. I am charging that the Government is encouraging the divisive and disruptive forces of this country. We are aware that very recently, the Government passed the Muslim Women's Protection or Destruction Bill. I am not going into the details of these things. But it was an instance of your surrender to the fanatics and the fundamentalists of this country. Now you are supporting the GNLF movement in Darjeeling. You are saying that it is not an anti-national movement. But I do not know what it is. Some years ago you dismissed Mr. Farooq Abdullah from the Chief ministership of Kashmir saying that he was anti-national. Now he has become a patriot for you because you have got a share of the cake. (*Interruptions*) So, you are interested only in your narrow and partisan politics. That is what we have been seeing in, the past. In this Bill also, we are seeing it. (*Time bell rings*) How much time has been allotted to me?

THE DEPUTY CHAIRMAN: Your party has been allotted four minutes.

SHRI K. MOHANAN: I have taken only two or three minutes.

THE DEPUTY CHAIRMAN: I have also got a watch.

SHRI K. MOHANAN: This is a very important Bill and we have the whole day to discuss it.

SHRI P. CHIDAMBARAM: We are not going to discuss it the whole day.

THE DEPUTY CHAIRMAN: We have got three hours for this Bill.

SHRI K. MOHANAN: There is no other business. This is the only Bill before the House. (*Interruptions*)

THE DEPUTY CHAIRMAN: I think the Railway has already been done.

SHRI K. MOHANAN: So, Madam, it has already been done. So, there is no point. Now, the whole day we are going to discuss this Bill.

THE MINISTER OF STATE IN THE MINISTRY OF PARLIAMENTARY AFFAIRS (SHRI M.M. JACOB): Not the whole day. We have allotted the time for this Bill and it is three hours. But you do not get the full time. Actually it is a part of your Party's time.

SHRI K. MOHANAN: But, for a person who is initiating the discussion, at least ten minutes' time should be allowed.

THE DEPUTY CHAIRMAN: All right.

SHRI K. MOHANAN: Thankyou, Madam.

Madam, citizenship is not a simple matter. and the laws regarding citizenship should not be changed without proper consideration. This is what I am saying. You amended the Citizenship Act in 1985 and within a short span of time, you are now again bringing forward another Bill to amend the Act once more. Last year, that is, in 1985 you amended it and now you are amending it again. This is what is called *ad hocism*. You are not paying sufficient attention to the matter and you are not giving sufficient consideration to the question of amending such a basic legislation. This is not a very simple. thing. This is only a glaring example of how callously you are handling such important matters.

Madam, I know that the 1985 amendment which I was mentioning just now, is a sequel to the Assam accord and that accord itself was an unholy compromise with the divising forces of this country. Due to this accord, Madam, a considerable

section of the people in Assam is facing serious difficulties and you are not concerned about that.

Madam, the present amending Bill is another attempt to deny ordinary human rights to a vast section of the people, to those who are living in this country for so many years. These people were forced to come to this country under some pressing circumstances, on account of opression and repression in the country in which they were living. These people could not have the basic human rights in their own country and that was why they were forced to cross the border and come to this country. That is why all these people have come to this country. We have to take into account one more aspect also. All these people are of Indian origin and they have their near relatives in India, some of them have their parents here and some of them their children and they are all staying in India and they were forced to cross the border because of the pressing circumstances. We have to take this aspect also into consideration when we pass such a legislation.

Madam, according to the provisions of this Bill, if you or I were to be born after the passing of this Bill, we would have to prove that our parents are citizens of India. Now the onus is on us. What is this? You see a large number of persons of Indian origin have entered India from Bangladesh and Sri Lanka—my honourable colleague Mr. Chidambaram, himself pointed out this and from some African countries. We are fully aware to India. I do agree with the Government that the clandestine immigration is a serious problem and the clandestine entry of foreign nationals into India is a threat to us. But who is responsible? Who is to check it? It is the responsibility of the Government. These are the people who are in India for the last twenty or twenty-five years and they came to India under particular circumstances, under some pressing circumstances. Not only that. I would like to say one more thing in this connection.

When the original Bill was being discussed in 1955 the late G. B. Pant categorically stated in the House that the very fact of birth in India invests the person with the right of citizenship of India. But, by bringing forward this amendment, you are only making the original statement of Mr. Pant in 1955 null and void.

THE DEPUTY CHAIRMAN: You adhere to your original time;

SHRI K. MOHANAN: Yes, Madam. I accept our ruling and I would consider it.

SHRI NIRMAL CHATTERJEE (West Bengal): Madam Deputy Chairman, when he fixed the time in the Business Advisory Committee the Chairman was kind enough to observe that it can be prolonged. Therefore, more time can be allowed.

THE DEPUTY CHAIRMAN: More time has already been given.

SHRI K. MOHANAN: I do not want to embarrass you. In the Statement of Objects and Reasons it is stated that a large number of persons of Indian origin have entered the territory of India. Mr. Chidambaram, have you any idea asto how many people have come to this country? In the Statement of Objects and Reasons of this Bill, you are saying that a large number of persons have come. That shows that you have no idea at all about the number about the background of persons who have crossed the border during the last few years and the number of years during which they have been staying. Without taking all these things into consideration, you are ringing forward this legislation. (*Time bell rings*). This is something inhuman and uncivilised and barbaric and I oppose this Bill.

SHRI PAWAN KUMAR BANSAL (Punjab): Madam Deputy Chairman, in the olden days, people from different parts of the world were enamoured by the prospects that the land of India offered to them. They came here and settled here making India their home. This gave us the mani fold diversity which today binds us in unity. After Independence, a flourishing democracy, a salubrious environment for every citizen to develop his potentialities and capabilities to the fullest, smooth functioning of our institutions and our economic progress have been the factors that have always been the cause of envy to our neighbours. On the other hand, unstable political climate, oppression, persecution, disease and hunger have made life intolerable in some places across our borders. So miserable have been the conditions there that people have fled those places for the blessed land, that is India. Being humanistic in our attitude

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and believing in the dictum

we accepted the incoming people for some time. But the influx continued unabated creating varied problems for us. The Nellie massacre in Assam was too gruesome to be forgotten soon. We could not afford to be charitable to the point of self-extinction. Action had to be taken and I compliment the Government for taking many steps to check illegal entry of people into our country.

The Citizenship (Amendment) Bill, 1986, is one right step in that direction as it makes the law regarding acquisition of Indian citizenship somewhat stringent. For the first time, no longer will the offsprings of illegal immigrants be entitled to claim citizenship by the mere fact of birth in India. The present Bill has introduced a good amendment by stipulating that henceforth, in order to claim citizenship by birth, either of the claimant's parents should be a citizen of India by birth. Section 5 of the Citizenship Act, 1955, also has so far enabled people of Indian origin to claim citizenship by registration after residence here for six months only. Very rightly, this period has been raised to five years now and the definition of the words 'Indian origin' as given in the Explanation to Sub-section (1) of Section 5 of the principal Act, has also been suitably restricted to exclude those whose parents were not born in undivided India. Mr. K. Mohanan, the hon. Member who initiated the debate on the subject, was, in my humble opinion, quite uncharitable in saying that by introducing the present amendment we are wanting to curtail human rights. The Opposition has been wanting the Government of India to be firm on the borders, and I really fail to understand whether by what my learned friend said earlier, he wants that the Government of India should open the borders for any and everyone to come across into our country from any side, and in saying so does he include the terrorists who have caused have in Punjab also in the category.

Madam, it is the genuine right of the Government of India to formulate the law concerning citizenship. It is nowhere provided and neither has any amendment been introduced to the effect that no foreign national would ever be able to claim citizenship whether by naturalisation or otherwise. All that the present Bill seeks to do is that to claim Indian citizenship by naturalisation, the period should be fair enough to really give the true meaning to the word naturalisation'. Earlier the period prescribed under Section 6(1) was that of five years. And it has been rightly raised to ten years now. And I really fail to understand how the present Amendment can, by any stretch of imagination, be termed as an uncivilised act. As I said, because of our problems, can we afford to throw open our borders or to relax our citizenship laws to such an extent that any anti-social and anti-national elements could enter our territory to create chaos and problems for us here? My learned friend who was speaking

just before me referred to the hardship that may be caused to certain people who have been residing here for, as he said over 25 years. Well, all that I have to submit in that regard is that if he had really taken time to see the simple amendments that the present Bill seeks to introduce, he would not have come to that conclusion. It very well says that people of Indian origin who have been in the country for a period of five years are entitled to claim the citizenship of our country. And even Clause 2 of the Amendment Bill only places an embargo on the claim of citizenship by those people who come to the country after the passing of the present Bill. All those people who were born in the territory of India before this Bill takes the form of law will not be debarred by the new provisions, and hence, I feel that there is nothing as such which debars those people who may have been in this country and who fulfil the requisite conditions to claim the citizenship.

Finally, Madam, I would only refer to one provision, that is, Section 6(A) which was introduced by the amendment last year. I would like to bring to the notice of the hon. Member who was just speaking before me that the present restriction of the definition of the words 'Indian origin' would not affect those persons who are covered by the provision of Section 6(A) of the principal Act.

With these words, Madam, I support the Bill.

THE DEPUTY CHAIRMAN: Now the House stands adjourned for lunch. We will meet again at 2.30 P.M.

The House then adjourned for lunch at thirty minutes past one of the clock.

The House reassembled after lunch at thirty-two minutes past two of the clock. **The Vice-Chairman (Shri Pawan Kumar Bansal)** in the Chair.

STATEMENT BY MINISTER

Enforcement of Environment (Protection) Act, 1986

पर्यावरण और वन मंत्री (श्री भजनलाल): महोदय हमारे देश मे अब पर्यावरण की सुरक्षा की जरुरत और पर्यावरणीय प्रदूषण से उत्पन्न खतरे के बारे में बहुत जागरूकता पदा हो गई है। यह चेतना हमें हमारी प्रधान मंत्री श्रीमती इन्दिरा गांधी जी से वसीयत के रूप मे मिली है जिन्होंने 1972 मे स्टाकहोम सम्मेलन में और उससे पहले भी पर्यावरण के साथ विकास के समन्वय की प्रक्रिया को प्रारम्भ किया था।

हमारे देश मे जो पर्यावरण समस्याएं है उनसे हमारे प्राकृतिक संसाधनों की अखण्ता को खतरा पैदा हो गया है। बेकार चीजो को अनियमित रूप से फेंक देने और जहरीले रसायनो के अनुपयुक्त प्रयोग के कारण जो पर्यावरण प्रदूषण पैदा होता है उससे हमारी जनता के कल्याण के मार्ग में गम्भीर उलझने आ रही है। भोपाल गैस त्रासदी मे मानव सुरक्षा स्वास्थ्य और पर्यावरण को गम्भीर खतरा पैदा हो गया है जो औद्योगिक दुर्घटनाओ मे भी उत्पन्न हो सकता है।

इस सदर्भ मे पर्यावरण सुरक्षा विधेयक को ससद में पेश किया गया था। जिसमें पर्यावरण य मामलो और इस सम्बन्ध में किए जाने वाले आवश्यक उपायों के सम्बन्ध मे व्यापक व्यवस्था की गई है। यह सम्भवत. विश्व मे अपने किस्म का पहला एकीकृत कानून है। संसद ने विधेयक को पारित कर दिया था और मई, 1986 मे राष्ट्रपति जी ने इसको स्वीकृति प्रदान कर दी थी। जैसा कि माननीय सदस्य जानते है, इस अधिनियम के अन्तर्गत राष्ट्रीय गति विधि का हर एक क्षेत्र आता है और इसके कार्यान्वियन के लिए सशक्त वैज्ञानिक सहयोग की जरूरत है। सरकार ने पिछले कुछ